

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Elaine L. Chao, Secretary
of Labor, U.S. Department of Labor

v.

Civil No. 06-cv-146-PB

Fine Line Drywall, Inc., et al.

REPORT AND RECOMMENDATION

On November 21, 2006, plaintiff appeared for a damages hearing. The defaulted defendants did not appear. Brendon Reardon, a senior investigator for plaintiff, testified that he had examined the defendants payroll records and found that the January 2004 payroll withholdings from employees of defendant for "pension" benefits were remitted late and that those withholdings for the months of February through December 2004 were never paid into the plan. The plan is owed \$29,834.95 as well as \$2,664.22 in pre-judgment interest to November 21, 2006.

I recommend that the judgment be entered for plaintiff in the sum of \$29,834.95 plus pre-judgment interest of \$2,664.22.

Any objections to this Report and Recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of

Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).

SO ORDERED.

/s/ James R. Muirhead
James R. Muirhead
United States Magistrate Judge

November 26, 2006

cc: Gail E. Glick, Esquire